

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LEEANN SPELL

§
§
§
§

v.

CIVIL ACTION NO. 3:21-CV-719-S

JAMES HATFIELD, et al.

ORDER

Plaintiff filed this action in state court on March 29, 2021, naming three Defendants: James Hatfield, Debrick Truck Line Company, and Bowman Sales and Equipment, Inc. Defendants James Hatfield and Debrick Truck Line Company removed the case to this Court the same day. *See* ECF No. 1. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff was required to serve Defendants within 90 days of the date of removal. *See* 28 U.S.C. § 1448 (“In all cases removed from any State court to any district court of the United States in which any one or more of the defendants has not been served with process . . . prior to removal . . . , such process or service may be completed or new process issued in the same manner as in cases originally filed in such district court.”); *Cardenas v. City of Chicago*, 646 F.3d 1001, 1004 (7th Cir. 2011) (Rule 4(m) deadline for service extends from date of removal).

On the record at the Rule 16 Scheduling Conference held on August 23, 2021, the Court noted that more than 90 days had elapsed since the filing of Plaintiff’s complaint and the Notice of Removal, and that Plaintiff had failed to file a valid return of service as to Defendant Bowman Sales and Equipment, Inc. Counsel for Plaintiff indicated Plaintiff was not opposed to the dismissal of Defendant Bowman Sales and Equipment, Inc. from this action.

Accordingly, and for the reasons stated on the record, the Court **DISMISSES** Plaintiff's claims against Defendant Bowman Sales and Equipment, Inc. without prejudice under Rule 4(m).

SO ORDERED.

SIGNED August 23, 2021.



KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE